

CLASSIFICATION OFFICE DECISION

Title of publication: fuck3.jpg

Other known title(s): Not stated

OFLC ref: 1900045.007

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Waitakere District Court

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 28 February 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: No notice of decision has been issued

Summary of reasons for decision:

The image depicts two males involved in sexual activity. The Classification Office has considered whether the image promotes and supports the exploitation of young persons for sexual purposes and has concluded that it does not. While it is possible that the subjects may be a young persons, not enough of their bodies are visible to conclude that they are young persons with any degree of certainty. They could just as easily be young adults. Therefore the image cannot fairly be said to meets the high threshold required to promote or support, or to tend to promote or support, the exploitation of young persons under s3(2) of the Films, Videos, and Publications Classification Act 1993.. However, the unrestricted availability of the image is still likely to be injurious to the public good. Society perceives harm to children and teenagers from being exposed to such explicit sexual material before they are developmentally ready to process it. Therefore the image is restricted to adults. The classification interferes with the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990 but is reasonable and justified in order to prevent injury to the public good.